

### REMARKS

With respect to the rejection of the claims under 35 U.S.C 112, second paragraph, it is respectfully submitted that the specification and claims are correctly describing the invention.

Thus, the roof parts 3, 4 comprise the movable roof frames and the external parts 8, 9 mounted thereon.

The movable supporting structure 10 has a plurality of longitudinally extending roof frames which are also movable and which, thus, are component part of this supporting structure 10. The external parts 8, 9 extend around the frames. For example, the supporting structure contains within a roof part 3 or 4 two longitudinally extending frames each.

The roof structure of claims 5 to 7 refers specifically to this supporting structure.

The present invention for the first time provides, in a roof which is movable in its totality, for the separation in this movable and supporting structure and the external colored

parts. Consequently, the supporting structure can be provided with any protective coating for all automobile colors, for example, black. This problem does not exist, for example, in Reinsch, because the frame part shown in Reinsch can be painted together with the car body. Why should an expert who is aware of the references Fürst or Danzl, deal with the stationary frame portions of Reinsch if this reference does not in any way discuss the problems occurring in painting?

Therefore, it is respectfully submitted that the rejections in view of the references of record should be withdrawn.

The newly cited references to Fürst and Danzl have been cited by the Examiner in combination with the previously discussed references to Reinsch, Kano, Klein, or Kloppe which, according to the opinion by the Examiner are rendering the present invention obvious.

The disclosure of the two newly cited references is limited to the fact that these two references each show vehicles with rigid roof parts mounted within movable roofs, i.e., so called retractable hard tops. It is then the opinion of the Examiner

that it would have been obvious to provide roofs which have continuous rigid roof parts, for example, in Reinsch with separate external linings (skin panel section 13).

It is the position of the Examiner that the new references combined with one of the previously cited references would render obvious the present invention as claimed.

However, Applicants respectfully submit that this step was not obvious. There is no reason for those skilled in the art to divide a self-supporting metal structure as in Fürst or Danzl, and to use instead a movable lower frame which is provided on the outer side with separate linings, wherein this movable lower frame is not disclosed in any of the references of record, but only immovable frame parts or structures which are movable in their totality are disclosed. Consequently, the formation of a gutter or the like would not make necessary to provide such a divided structure, but rather the gutter could be formed integrally with the outer surface, as shown in Fürst or Danzl, or could be mounted on the outside as a separate narrow ledge, wherein the ledge might be chrome-plated or eloxated.

The invention requires a larger number of parts and initially a greater manufacturing effort. Why would this be done if this would not result in an improvement when carrying out painting? However, none of the references deals with painting questions.

It is specifically the gist of the present invention, in order to counteract the painting problems previously mentioned, to divide a movable roof with integrally mounted rigid roof parts into a supporting and movable frame and, on the other hand, to mount lining parts having any desired color mounted on the outside. None of the references even mentions any painting problems. Why should it then be obvious to refer to these references for solving a painting problem?

Accordingly, none of the references shows a movable roof frame. Where the roof is movable, for example, in Danzl and Fürst, no separate supporting structures are provided; rather, the plate parts in these references are self-supporting structures. At the locations where supporting frames are provided, for example, in Reinsch, these are parts of the

vehicle body, and thus, no painting problems exist as in the structures according to the present invention.

Finally, the Examiner is respectfully advised that essentially identical claims have been allowed in the prosecutions of parallel applications in Europe and Germany.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.



Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on March 3, 2009.

By: *FK*  
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